

In the United States Court of Federal Claims

GUENTER G. VOLGGER,)
v.)
Plaintiff,) No. 20-913C
THE UNITED STATES,) Filed December 10, 2020
Defendant.)
)

DISMISSAL ORDER

Plaintiff, *pro se*, Guenter G. Volgger, commenced this action on July 21, 2020. ECF No.

1. On September 28, 2020, the government filed a motion to dismiss this matter for lack of subject-matter jurisdiction, pursuant to Rule 12(b)(1) of the Rules of the United States Court of Federal Claims (“RCFC”). ECF No. 8. Plaintiff has also moved to proceed in the matter *in forma pauperis*. ECF No. 2.

Plaintiff’s response to the government’s motion to dismiss was due on October 26, 2020. On November 9, 2020, the Court issued a Show Cause Order directing plaintiff to explain why he failed to timely respond to the government’s motion to dismiss and to provide his response to the government’s motion. ECF No. 9. In that Order, the Court also informed plaintiff that, should he fail to respond to the government’s motion to dismiss by November 30, 2020, the Court would treat such failure to respond as a failure to comply with the Court’s Order and to prosecute this matter pursuant to RCFC 41(b). Plaintiff has not timely filed a response to the government’s motion to dismiss, or a response to the Court’s Show Cause Order. RCFC 41(b).

Because plaintiff has failed to comply with the Court’s November 9, 2020, Show Cause Order and to prosecute this matter, the Court dismisses this action without prejudice. RCFC 41(b).¹ And so, for the foregoing reasons, the Court:

¹ RCFC 41(b) provides that: “[i]f the plaintiff fails to prosecute or to comply with [the Court’s] rules or a court order, the court may dismiss on its own motion or the defendant may move to dismiss the action or any claim against it.” RCFC 41(b).

1. **DENIES-AS-MOOT** the government's motion to dismiss;
2. **DENIES-AS-MOOT** plaintiff's motion to proceed *in forma pauperis*; and
3. **DISMISSES** the complaint without prejudice, pursuant to RCFC 41(b).

The Clerk's Office is directed to **ENTER** final judgment consistent with this Order.

No costs.

IT IS SO ORDERED.

s/ Lydia Kay Griggsby
LYDIA KAY GRIGGSBY
Judge